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DATE: **APRIL 3, 2007**

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<b>USPTO</b> <b>Attention: Baisa, Joselito</b>	<b>571-273-8300</b>	

FROM: **Jacquelyn Campbell**

RE: **Submission of Prior Art under 35 USC Sec. 301**

<b>CLIENT/MATTER NO.: 100745.0024</b>	<b>NUMBER OF PAGES, INCLUDING COVER: 17</b>

MESSAGE:

**Please see the attached. Thank you.**

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PTO/SB/21 (09-04)

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TRANSMITTAL  
FORM

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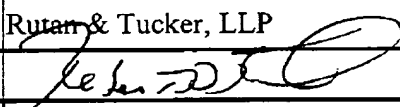
Application Number	10/729,330
Filing Date	December 4, 2003
First Named Inventor	Cameron A. Riddell
Art Unit	3643
Examiner Name	Unknown
Attorney Docket Number	

## ENCLOSURES (Check all that apply)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Submission of Prior Art Under 35<br>USC 301 and Copy of Cited Reference |
|--|---|---|

Remarks

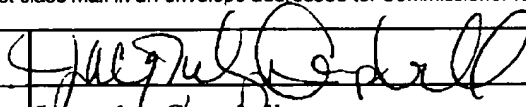
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Rutan & Tucker, LLP		
Signature			
Printed name	Robert D. Fish		
Date	April 3, 2007	Reg. No.	33880

## CERTIFICATE OF TRANSMISSION/MAILING

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Jacquelyn Campbell

Date

4/3/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231

Inventor: Cameron A. Riddell  
Serial No: 10/729330  
Filed: Dec. 4, 2003  
For: Electric Deterrent Device

Examiner: Baisa, Joselito Sasis  
Art Unit: 3643

5<sup>TH</sup> SUBMISSION OF PRIOR ART UNDER 35 U.S.C. 301

The applicant recently filed a paper attempting in part to distinguish the cited art on the following grounds:

Only one of the newly cited prior art is even intended as a bird or pest deterrent (WO 84/04022), and that one discloses only "flat metal ribbons" attached either directly to the boat surface, or in the case of a metal boat surface, to rubber ribbons that are then attached to the boat surface. Obviously, the boat surface is not flexible, and sewing is of course not described or suggested as an attachment method.

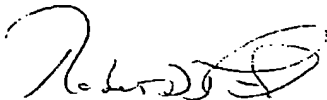
(emphasis added). That statement is entirely incorrect. The '022 publication (page 5, lines 3-18) expressly teaches the use of (a) metal braid that (b) is flexible.

Although in most instances the ribbon of conductors 19 and 20, or conductor 19 alone, will be permanently attached to the deck 21, it may be instead affixed upon a plastics sheeting which can be laid out and recovered as desired. Also whether conductors 19 and 20 are supported directly upon the deck 21 or the plastics sheeting, at least one of the conductors 19, 20 may be supported in a raised (or shielded) position to minimise any shorting effect which might be created by the presence of dew or rain. Furthermore, connection from the output terminals 15 of the control 10 to the conductors 19 and 20 is via clamps or even a stud fastener (not shown), while each conductor 19 and 20 may be a flexible metal braid, of the type known as "Monel" mesh sewn to the insulating layer, or may be a metallised plastics tape.

Claim 3 even recites that the flexible metal braid can (c) be sewn onto the insulating layer.

3. A device According to claim 2, wherein said insulating layer is a strip coated on its underside with a pressure-sensitive adhesive for fixing to said surface 4. A device according to claim 2 or 3, wherein said pair of conduction leads are parallel lengths of flexible metal braid sewn onto said insulating layer.

A copy of the WO 84/04022 is attached.

By:   
Robert D. Fish  
Reg. no. 33,880